

MACOMB TOWNSHIP BOARD MEETING MINUTES
REGULAR MEETING HELD WEDNESDAY, FEBRUARY 28, 2001
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
19925 TWENTY-THREE MILE ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MARIE E. MALBURG, TREASURER
NORMAN J. SNAY, CLERK
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
KENNETH MEERSCHAERT, JR.
CHARLES OLIVER

ABSENT: NONE
(Additional attendance record on file with Clerk)

CALL MEETING TO ORDER

Supervisor BRENNAN called the meeting to order at 7:00 P.M.

1. ROLL CALL.

Clerk SNAY called roll. All Present.

2. PLEDGE OF ALLEGIANCE.

Clerk SNAY introduced to the Board and audience Boy Scouts Bryan Schumaker, Mathew Simon, Mark Jennings and Stephen Jennings from troop No. 146 who are working toward their communications merit badges.

3. APPROVAL OF AGENDA ITEMS (with any addendum's)

Additions:

- 7a. Adoption of Resolution Approving Building Authority Contract and Approving Refunding Contract.
- 19a. Authorization for Supervisor and Clerk to sign Consumers Power Easement application for Winding Creek Subdivision.
- 19b. Request approval of Sanitary Sewer Diversion; Chippewa Valley Schools.
Supervisors Comments
- 29a. Request for Insurance Renewal.
- 29b. Request for Family Medical Leave Act (FMLA).
Executive Session:
- 33a. RPP v Macomb Township
- 33b. Sheff v Macomb Township

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Deletions:

11. Text Amendment to Zoning Ordinance.

MOTION by DUNN seconded by MEERSCHAERT to approve agenda as amended.

MOTION carried.

4. APPROVAL OF BILLS.

MOTION by OLIVER seconded by DUNN to authorize payment of bills as submitted.

**FOR THIS MOTION: OLIVER, DUNN, MEERSCHAERT, BUCCI, MALBURG,
SNAY, BRENNAN**

OPPOSED: NONE

ABSENT: NONE

MOTION carried.

5. APPROVAL OF MEETING MINUTES.

MOTION by DUNN seconded by BUCCI to approve the minutes of February 14, 2001 as amended.

Clerk SNAY, Treasurer MALBURG and Trustee OLIVER were not in attendance at the meeting and would abstain.

6. DEPARTMENT MONTHLY REPORTS

- A. Macomb County Sheriffs Department.
- B. Building Department
- C. Fire Department
- D. Water/Sewer Department
- E. Parks and Recreation Department

MOTION by DUNN seconded by MALBURG to approve Department Monthly Reports as a consent agenda.

MOTION carried.

7. PUBLIC COMMENTS

None

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- 7a. Adoption of Resolution Approving Building Authority Contract and Approving Refunding Contract.

Supervisor BRENNAN reviewed the request.

Mr. Dennis Nieman, Bond Counsel of Miller, Canfield, Paddock & Stone reviewed the resolution and contracts in detail.

Mr. Robert J. Bendzinski, Jr., Financial Advisor of Bendzinski & Company reviewed the bond and bond refunding issue in detail.

Public Portion: None

MOTION by SNAY seconded by DUNN to adopt the Resolution as presented.

FOR THIS MOTION: SNAY, DUNN, BUCCI, OLIVER, MEERSCHAERT, MALBURG, BRENNAN.

OPPOSED: NONE

ASENT: NONE

MOTION carried.

PUBLIC HEARING:

8. Request to adopt Resolution No.2 Special Assessment District; Beaufait Farms Subdivision. No. 3.

Public Hearing commenced at 7:14 p.m.

Supervisor BRENNAN reviewed the resolution.

Petitioner Present: Craig Duckwitz of AEW

Board discussion was held regarding maintenance of the retention/detention basin.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to close the Public Hearing at 7:16 p.m.

MOTION carried.

MOTION by OLIVER seconded by MALBURG to adopt the Resolution to create a Special Assessment District; Maintenance Retention/Detention Basin for the Beaufait Farms Subdivision No. 3.

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Beaufait Farms Subdivision No. 3

RESOLUTION NO. 2

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on **February 28, 2001**, at 7:00 o'clock p.m., Eastern Standard Time.

PRESENT: John D. Brennan, Norman J. Snay, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Kenneth Meerschaert, Jr., Charles Oliver.

ABSENT: None.

The following preamble and resolution were offered by Member OLIVER and supported by Member MALBURG.

WHEREAS, the Macomb Township Board (the "Township") has passed a resolution dated **February 28, 2001**, establishing a Special Assessment District subject to a public hearing, for the purpose of maintaining and operating detention/retention basin (sometimes previously referred to as a "retention basin" or "sedimentation basin") described in Exhibit "A" attached hereto (the "Basin"); and

WHEREAS, pursuant to Section 192a(2) and 192a(5) of Act 288, P.A. 1967, as amended, (the "Act"), proper notice having been given, a hearing was held on **February 28, 2001**, on creation and maintaining the detention/retention basin, including but not limited to the operation and maintenance, the cutting of grass and the removal of weeds and other debris, by special assessment on the property benefited thereby. At such hearing, the establishment of the Special Assessment District and defraying the cost of operating and maintaining the detention/retention basin by special assessment was approved; and

WHEREAS, the Special Assessment District consists of proposed Lots 134 through 199, inclusive, Beaufait Farms Subdivision No. 3 (the "Plat"), as approved by the Township, located on a portion of the land described in Exhibit "B" attached thereto, and

WHEREAS, Lots 134 through 199, inclusive, within the Plat are benefited by the detention/retention basin, along with Lots 1 through 70 of Beaufait Farms Subdivision and Lots 71 through 133 of Beaufait Farms Subdivision No. 2m, which is subject to a Special Assessment District previously established Macomb Township and recorded in Liber 7972, Pages 570 through 572, and Lots 71 through 133 of Beaufait Farms Subdivision No. 2, which are subject to a Special Assessment District previously established by Macomb Township and recorded in Liber 9238, Page 203, Macomb County Records; and

WHEREAS, pursuant to Section 192a(3) of the Act allows the Township to, subject to approval at a public hearing, determine the annual cost of the operation and maintenance of the detention/retention basin, determine the annual special assessment levy, prepare a special assessment roll, and direct the spread of the assessment levy on all property in the district.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. That the Special Assessment District created by resolution on **January 24, 2001**, and approved at a public hearing on **February 28, 2001**, is confirmed. The boundaries of this Special Assessment District are more particularly described in Exhibit "B" attached to this Resolution and made a part hereof.

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2. That the authority to defray the cost of operating and maintaining the detention/retention basin by special assessment on the property benefited thereby as adopted by the Township by resolution on **January 24, 2001**, and approved at a public hearing on **February 28, 2001**, is confirmed.

3. That in the event the Township has or intends to expend funds for the maintenance and operation of said detention/retention basin, the Township shall prepare a special assessment roll, determine that annual cost of the operation and maintenance of the detention/retention basin establish an annual special assessment levy, and prepare a plan to spread the assessment levy on each lot within the Special Assessment District be equal to the annual cost of the operation and maintenance of the detention/retention basin multiplied by a fraction, the numerator of which is one (1) and the denominator of which is the total number of lots in the Special Assessment District, together with all lots contained within Beaufait Farms Subdivision No. 3 covered by this Special Assessment District and all lots contained within Beaufait Farms Subdivision and Beaufait Farms Subdivision No. 2.

4. That after the determination of the annual cost of the operation and maintenance of the detention/retention basin, the Township shall give notice of and hold a public hearing to approve such costs, the establishment of the annual special assessment levy and the plan to spread the annual special assessment.

5. That the Township Board be and hereby is authorized, empowered and directed to make, execute and deliver any and all instruments, papers and documents and to do and perform any and all acts and things which shall be or become necessary, proper, convenient or desirable to carry out, put into effect or make operative any and all matters and things authorized or permitted to be done in the hereinabove resolution.

AYES: OLIVER, MALBURG, BUCCI, DUNN, MEERSCHAERT, SNAY, BRENNAN.

NAYS: NONE

RESOLUTION DECLARED ADOPTED.

MOTION carried.

PLANNING COMMISSION:

9. Rezoning Request; Residential Urban-One Family (R-1) to Office Low Rise (O-1); Located on the southwest corner of 25 Mile Road and Romeo Plank; Section 8; Sharon Spatafora, Petitioner. Permanent Parcel No. 08-08-101-047 and 08-08-101-048. (Tabled from meeting of 1-10-01).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed rezoning and surrounding property. Mr. Lynden presented to the Board the recommendation of the Planning Commission to deny the rezoning for the following reasons:

1. The property is Master Planned for Low Density Residential.
2. The proposed rezoning is not consistent with the development of the surrounding properties.

Petitioner Present: Dr. Joseph A. Ruggirello DDS
Sharon Spatafora of Century 21 AAA North

Board discussion was held inquiring if additional information had been provided since the recommendation of the Planning Commission.

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Public discussion was held.

MOTION by DUNN seconded by OLIVER to deny the rezoning of Permanent Parcel No. 08-08-101-047 and 08-08-101-048 from Residential Urban-One Family (R-1)) to Office Low Rise (O-1).

MOTION carried.

10. Extension of Tentative Preliminary Plat; Middlecreek Estates (46 lots); Located on the north side of 22 Mile Road and approximately 600 feet east of Romeo Plank Road; Section 21. Middlecreek Development, Petitioner. Permanent Parcel No. 08-21-352-003.

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed extension and stated the recommendation of the Planning Commission.

Petitioner Present: Mr. Joe D'Angelo

Public Portion: None

MOTION by OLIVER seconded by MALBURG to grant an extension of the Tentative Preliminary Plat for Middlecreek Estates Subdivision to February 9, 2002.

MOTION carried.

11. Text Amendment to Zoning Ordinance #10; Wall Signs-Section 10.0319(B)(3); Granting an Issuance Permit.

Deleted, addressed as agenda item no. 13.

12. Final Plat; Summerfield Estates Subdivision Phase 4; (141 lots); Located on the east side of Heydenreich and approximately 2000 feet north of 21 Mile Road; Section 27. Permanent Parcel No. 08-27-100-027 (part of).

Mr. Bernard Lynden, Planning Consultant, gave a brief description of the proposed subdivision and surrounding property and stated the recommendation of the Planning Commission.

Petitioner Present: Bill Thompson of Lehner & Assoc.

Board discussion was held regarding the phases currently under construction and the flow of traffic through the subdivision.

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant Final Plat to Summerfield Estates Subdivision Phase 4 and direct the Clerk to sign the mylar.

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MOTION carried.

NEW BUSINESS:

13. Request Adoption of Ordinance 10-10; Amendment to Zoning Ordinance regarding Wall Signs.

Clerk SNAY reviewed the request and stated the amendment would expedite the process.

Public Portion: None

MOTION by MEERCHAERT seconded by OLIVER to grant the adoption of Ordinance No. 10-10; Amendment to Zoning Ordinance regarding wall Signs.

MOTION carried.

14. Update of Computer Software Project.

Michael Koehs, Deputy Clerk/Network Administrator, updated the Board on the current status of the software project in detail.

Board discussion was held regarding the vendors being considered and the compatibility and support of each vendor.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT authorization to proceed and continue negotiations with BS&A and Munis regarding the new computer system.

MOTION carried.

15. Request Authorization for Planning Commission to conduct Workshop Meetings regarding the Master Plan Update.

Clerk SNAY reviewed the request.

Public Portion: None

MOTION by MEERSCHAERT seconded by OLIVER to grant authorization for the Planning Commission to conduct Workshop Meetings regarding the Master Plan Update.

MOTION carried.

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16. Request for Subdivision Model Permits; Summerfield Estates Subdivision Phase 5. Royal Tee Homes, Petitioner.

Supervisor BRENNAN stated the departments had reviewed the request and were recommending approval for the lot being requested.

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant a Model Permit for lot # 251 within the Summerfield Estates Subdivision Phase 5 contingent upon the posting of a seven thousand five hundred dollar and 00/100(\$7500.00) bond and the following of the Standard Model Agreement.

MOTION carried.

17. Request for Subdivision Model Permits; Evergreen Estates Subdivision; Infinity Building Co., Inc., Petitioner.

Supervisor BRENNAN stated the departments had reviewed the request and were recommending approval for the lots being requested.

Public Portion: None

MOTION by OLIVER seconded by DUNN to grant Model Permits for lot #'s 8, 9, 16 & 18 within the Evergreen Estates Subdivision contingent upon the posting of a seven thousand five hundred dollar and 00/100 (\$7500.00) bond per model and the following of the Standard Model Agreement.

MOTION carried.

18. Request for Noise Ordinance Variance; Jay Dee Contractors, Inc., Petitioner. (Tabled from meeting of 2-14-01).

Supervisor BRENNAN reviewed the request.

Petitioner Present: Tim Backers of Jay Dee Contractors, Inc.

Board discussion was held regarding traffic at the site, hours of operation, noise levels and length of time variance is being requested. Suggestions were made offered as possible options to better accommodate local residents.

Public Portion: None

MOTION by OLIVER seconded by DUNN to grant the variance beginning April 1, 2001, for a trial period of 30 days to May 1, 2001, contingent upon the following conditions:

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- That gasket seals be implemented on truck gates to reduce noise during unloading.
- No unloading of trucks on site until 9:00 a.m.
- Flag persons be implemented in place of backup alarms.
- Board can revoke the approval if conditions deem necessary.
- Petitioner must submit a request for extension and return before the Board prior to the 30-day expiration.

MOTION carried.

19. Request Authorization for Supervisor and Clerk to Sign McBride Drain Easement.

Supervisor BRENNAN review the request.

MOTION by DUNN seconded by MEERSCHAERT to authorize the Supervisor and Clerk to sign the McBride Drain Easement.

MOTION carried.

19a. Authorization for Supervisor and Clerk to sign Consumers Energy Easement Application.

Larry Dloski, Township Attorney, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to authorize the Township Supervisor and Clerk to sign the Consumers Energy Easement Application.

MOTION carried.

19b. Approval of Temporary Sanitary Sewer Easement: Chippewa Valley Schools.

Supervisor BRENNAN reviewed the request.

David Lakin, Township Engineer, reviewed the study submitted by Spalding DeDecker & Associates stating their recommendation for a temporary approval contingent upon the following conditions:

- Construct a sanitary sewer lead out to Card Road for connection to the future Card Road sanitary sewer.
- Participate in a Special Assessment District for the extension of the aforementioned Card Road Sanitary Sewer.
- Upon completion of the Card Road sanitary sewer, abandon the temporary diversion and connect into the Card Road sewer.

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Board discussion was held regarding Card Road development.

Public Portion: None

MOTION by DUNN seconded by MEERSCHAERT to approve a Temporary Sanitary Sewer Easement for Chippewa Valley Schools contingent upon fulfilling the conditions recommended by the Township Engineers.

MOTION carried.

BUILDING DEPARTMENT:

20. Request to seek bids; 4-Wheel Drive Utility Vehicle and accept bids on Dodge Dakota.

Bob Beckett, Building Official, reviewed the request.

Public Portion: None

MOTION by MEERSCHAERT seconded by SNAY to grant the request to seek bids for a 4-Wheel Drive Utility Vehicle and accept bids on the Dodge Dakota in as is condition.

MOTION carried.

21. House Demolition and Debris Removal.

Bob Beckett, Building Official, reviewed the request.

Larry Dloski, Township Attorney reviewed the transcript of a hearing held regarding the site.

Board discussion was held regarding the owners of the property and confirmation of notification.

Public Portion: None

MOTION by DUNN seconded by BUCCI to proceed and schedule a hearing for March 14, 2001 to allow the property owners to come and show cause why the house should not be demolished.

MOTION carried.

FIRE DEPARTMENT:

22. Purchase additional sets of Personal Protective Equipment.

Kenneth Meerschaert, Assistant Fire Chief, reviewed the request.

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Board discussion was held regarding the integrity of used equipment.

Public Portion: None

MOTION by SNAY seconded by OLIVER the authorize the purchase of 12 sets of PPE (Personal Protective Equipment) from Apollo Equipment Company for the total amount of seventeen thousand four hundred thirty six dollars and 00/100 (\$17,436.00).

MOTION carried.

23. Accept bid for Rescue No.2.

Kenneth Meerschaert, Assistant Fire Chief, reviewed the request.

Public Portion: None

MOTION by SNAY seconded by DUNN to accept the highest bid for Rescue No.2.

MOTION carried.

24. Request additional Secretary.

Kenneth Meerschaert, Assistant Fire Chief, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by OLIVER to grant the request for an additional secretary for the Fire Department.

MOTION carried.

MOTION by MEERSCHAERT seconded by DUNN to authorize publishing of the position in the newspaper if needed.

MOTION carried.

PARKS AND RECREATION DEPARTMENT:

25. Request to purchase Notebook Computer.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request and stated that the request has been reviewed by Mr. Michael Koehs, Deputy Clerk/Computer Admin., and meets with his recommendation.

Board discussion was held regarding the need for the computer due to the departments growth.

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Public Portion: None

MOTION by DUNN seconded by MALBURG to authorize the purchase of a IBM ThinkPad A21p Mobile Pentium III for the total cost of four thousand five hundred forty one dollars and 34/100 (\$4,541.34).

MOTION carried.

26. Request to Print and Mail the Spring Edition of Dimensions Brochure.

Martin Piepenbrok, Parks and Recreation Director, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by MALBURG to award the printing of the Spring 2001 edition of the "Dimensions" brochure to Litho Printing Service, Inc. of Eastpointe for the total cost of four thousand eight hundred twenty dollars and 00/100 (\$4820.00) and authorize the bulk mailing postage costs for the estimated cost of two thousand eight hundred sixty six dollars and 50/100 (\$2866.50).

MOTION carried.

WATER/SEWER DEPARTMENT:

27. Request Authorization of Utilities Easement for Water & Sewer Building.

David Koss, Water/Sewer Superintendent, reviewed the request.

Public Portion: None

MOTION by OLIVER seconded by DUNN to authorize the Township Supervisor and Clerk to sign the Utilities Easement.

MOTION carried.

28. Approval of Purchase Requisitions:
a. SLC Meter Service
b. Spartan Specialties LTD.

David Koss, Water/Sewer Superintendent, reviewed the purchase requisitions and stated his recommendation to approve.

Public Portion: None

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MOTION by DUNN seconded by MALBURG to authorize the payment of the purchase requisition to SLC Meter Service for the total amount of three thousand seven hundred fifty dollars and 00/100 (\$3750.00).

MOTION carried.

MOTION by DUNN seconded by MALBURG to authorize the payment of the purchase requisition to Spartan Specialties LTD for the total amount of seven thousand six hundred dollars and 00/100 (\$7600.00).

MOTION carried.

BOARD COMMENTS:

29. Supervisor's Comments

a. Request for Insurance Renewal.

Supervisor BRENNAN reviewed the request and stated his recommendation.

Mr. Michael Ormstead of Burnham & Flower Group

Public Portion: None

MOTION by DUNN seconded by OLIVER to renew the insurance policy as recommended by the Chair.

MOTION carried.

b. Request for Family Medical Leave Act (FMLA).

Supervisor BRENNAN reviewed the request regarding Cindy Berlin from the Water/Sewer Department.

MOTION by MEERSCHAERT seconded by OLIVER to grant the Family Medial Leave Act for Cindy Berlin, commencing March 15th, 2001.

MOTION carried.

30. Clerk's Comments

Clerk SNAY complimented and thanked the township's election workers and staff for a great job working the Primary Election and the Water/Sewer Department for their assistance. Mr. SNAY also stated that Macomb Township provided the total election results to the County at 9:04 p.m.

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31. Treasurer's Comments

Treasurer MALBURG thanked her staff for a wonderful job during the resent tax season.

32. Trustee's Comments

None

MOTION by DUNN seconded by MALBURG to adjourn into Executive Session at 8:54 p.m.

MOTION carried.

Returned from Executive Session at 9:20 p.m.

EXECUTIVE SESSION:

33. Libby v Macomb Township

MOTION by SNAY seconded by MALBURG to complete the settlement by paying the appraisal fees in this matter.

MOTION carried.

33a. RPP v Macomb Township (Tabled from meeting of 2-14-01).

MOTION by SNAY seconded by DUNN to authorize legal counsel to sign the consent judgement on behalf of the township.

MOTION carried.

33b. Sheff v Macomb Township (Tabled from meeting of 2-14-01).

MOTION by DUNN seconded by OLIVER to authorize the attorney to execute the settlement agreement.

MOTION carried.

ADJOURNMENT

MOTION by MEERSCHAERT seconded by OLIVER to adjourn the meeting 9:22 at P.M.

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MOTION carried.

Respectfully submitted,

John D. Brennan, Supervisor

Norman J. Snay, Clerk

Eva M. Mayer, Recording Secretary

EMM

